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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,585	08/09/2001	Lane Thomas Holloway	AUS920010253US1	2884

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EXAMINER
PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
04/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Office Action Summary	09/925,585	HOLLOWAY ET AL.
	Examiner	**Art Unit**	
	MANGLESH M. PATEL	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,4,6,8,11,13,15,18 and 20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 4, 6, 8, 11, 13, 15, 18 and 20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This **Final** office action is in response to the supplemental amendment filed 8/9/2007.

2.   In the action Claims 1, 4-8, 11, 13, 15, 18 and 20 are pending. Claims 2-3, 5, 7, 9-10, 12 and 14 have been canceled in

the supplemental amendment filed 11/10/2005. Claims 1, 8 and 15 are the independent claims.

Withdrawn Rejections

3.   The 35 U.S.C. 112 second paragraphs, rejection of claims 4, 11 and 18 & 5-6, 12-13 and 19-20 have been withdrawn in

light of the amendment.

4.   The 35 U.S.C. 103(a) rejections of claims 1, 4-8, 11-15 and 18-21 with cited references of Majoor (U.S. Pub

2002/0029154) in view of Gupta (U.S. Pub 2002/0184265) further in view of Peters (U.S. 5,893,098) further in view of Plantec

(U.S. 6,826,540) has been withdrawn in light of the amendment.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill
> in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

6.   Claims 1, 4-8, 11, 13, 15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. 6,993,

495, filed Feb 8, 2001).

Regarding Independent claims 1, 8 and 15, A method for generating a survey for a computer system on a network,

the method comprising the steps of: storing an HTML formatted survey document on a computer-readable medium of a

first computer system, the survey document having questions and answers in a certain format, wherein the questions

and answers are for delivery in the survey document over a network to a second computer system and wherein the

survey document is for presenting to a user by the second computer system i) ones of the survey document questions

and ii) answers from the survey document for selecting on the second computer by the user of the second computer,

wherein according to the certain format of the survey document, the questions and answers are defined as XML data

elements included in the survey document as strings of text surrounded by text markups, including tags describing the

data elements and attributes defining associations among the questions and answers, including associations such that

ones of the questions branch from ones of the answers; and storing an HTML formatted document and programming

instructions on a computer-readable medium of the first computer system, the programming instructions being written

in an object oriented, interpreted, dynamic programming language and the HTML formatted document and

programming instructions being for delivery over the network to the second computer system, the programming

instructions including: first instructions for receipt and execution as an applet in a browser of the second computer

system, wherein the execution of the first instruction as an applet causes the second computer system to parse the data

elements from the survey document into data arrays having cross-references defining the associations among questions

and answers; second instructions for receipt and execution as an applet in a browser of the second computer system,

wherein the execution of the second instruction as an applet causes the second computer system to display in a browser

on a user interface of the second computer system a first set of one or more of the questions and corresponding,

selectable answers and causes the second computer system to then repeatedly select and display additional sets of one

or more of the questions and corresponding, selectable answers, wherein the repeated selecting and displaying of the

additional sets of one or more of the questions and corresponding, selectable answers is by the second computer and not

the first computer and is responsive to answers selected by the user on the second computer, and wherein the repeated

selecting by the second computer system is further, responsive to ones of the cross-references of the data arrays arising

from the second computer system parsing the data elements from the survey document; and third instructions for

receipt and execution as an applet in a browser of the second computer system, wherein the execution of the third

instructions as an applet causes the second computer to return results to the first computer system as an XML formatted

answer response document defining the answers selected by the user as data elements included in the survey document

as strings of text surrounded by text markups, including tags, wherein the text markups describe the data elements.

Smith teaches a survey system that includes HTML formatted document (abstract & column 6, lines 1-50). The Survey

is sent to the user via webpage and is browser-based. Smith describes that the survey is dynamically generated on a

server and then sent to the user with a combination of HTML, XML, JavaScript and Applets. Thus he describes that the

survey is presented on the client side with corresponding answers. Infact he goes on to teach that the survey includes

branching for the questions based on the answers provided by the user (column 9, lines 55-67 & column 10, lines 1-45).

He discusses the presentation of the applet for the survey client side. Based on the users response or answer

corresponding questions are generated. The questions and answers are interactive on client side which include selecting

(column 7, lines 25-67). Although Smith describes the use of XML for describing the questions and answers he fails to

explicitly teach the use of a document type definition. He does provide a significant suggestions in column 12, lines 20-

67 for using validation rules. Thus at the time of the invention it would have been obvious for the skilled artisan to

include the use of a basic DTD for outlining the format and questions using XML. The motivation for doing so would

have been validate the responses client side thereby saving time. Saving time by reducing the amount of processing

needed between the server and the client.

Regarding Dependant claims 4, 11 and 18, Smith discloses storing a data type definition file on a computer-readable

medium of a first computer system, the data type definition file being for delivery over the network to the second

computer system, wherein the programming instructions include instructions for causing the second computer system

to validate the data elements responsive to the document type definition file (see column 12, lines 20-67, describing the

use of validation rules which is what a DTD does, including the explanation provided in the Independent claim).

Regarding Dependant claims 6, 13 and 20, Smith discloses wherein the programming language includes Java (see

column 6, lines 1-50, including the explanation provided in the Independent claim).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any

interpretation of the references should not be considered to be limiting in any way. **A reference is relevant for**

all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary

skill in the art. [[See, MPEP 2123]]

Response to Arguments

7.   Applicants arguments filed 8/9/2007 have been considered but are moot in view of the new grounds of rejections.

8.   (Note: The Examiner contacted the attorney of record Lynne Anderson Twice regarding an examiners amendment in

this application however no response was received.)

Conclusion

References Cited

9.   The art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Macey et al. (U.S. Pub 2004/0230989) discloses "Method And Apparatus For Survey Processing"

- Wardhaugh et al. (U.S. Pub 2008/0010351) discloses "Survey Polling System And Method"

- Choi et al. (U.S. 6,895, 405) discloses "Computer-Assisted Systems And Methods For Determining Effectiveness Of Survey Question"

- Kirkpatrick et al. (U.S. 7,158, 988) discloses "Reusable Online Survey Engine"

- Smith, Jr et al (U.S. Pub 2002/0128898) discloses "Dynamically Assigning A Survey To A Respondent"

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
March 28, 2008

/Manglesh M Patel/
Manglesh patel

Examiner, Art Unit 2178

/CESAR B PAULA/

Primary Examiner, Art Unit 2178